

**Remarks**

**I.      Summary of Office Action**

Claims 7-25 are pending in this case. Claims 7, 17 and 18 are independent claims.

Claims 7, 8, 17, 18 and 21-23 were rejected under 35 U.S.C. § 102 (e) as being anticipated by Dodds et al. U.S. Pub. No. 2002/0116371A1 (“Dodds”).

Claims 9-16, 19, 20, 24 and 25 were rejected under 35 U.S.C. § 103(a) as being obvious from Dodds in view of Chau et al. U.S. Pub. No. 2002/0123993A1 (“Chau”).

Claims 13 and 16 were rejected under 35 U.S.C. § 112, first paragraph, as not being enabled.

**II.     Summary of Examiner Interview**

Applicant and applicant’s attorney and agent, Rick Lehrer and Peter Snell, wish to thank the Examiner for the courtesies extended to applicant during the telephonic interview of November 10, 2004. During the interview, the Examiner agreed that independent Claims 7, 17 and 18 as amended in this Reply are allowable over the references of record. The Examiner also agreed that Claims 13 and 16 as amended in this Reply are enabled. The Examiner therefore agreed to withdraw the 35 U.S.C. §§ 102, 103 and 112 rejections in response to the amendments. Lastly, the Examiner agreed that the amendments to the claims do not require a new search. The below remarks formed, for the most part, the basis of the interview.

**III.    Summary of Applicant’s Reply**

Applicant has amended Claims 7, 13 and 16-18. The 35 U.S.C. §§ 102, 103 and 112 rejections are respectfully traversed.

**Amendments to the Drawings**

In applicant's April 8, 2004 Amendment, applicant amended FIGS. 1, 2, 4 and 5. Applicant attached replacement and annotated sheets for FIGS. 2, 4 and 5. However, applicant inadvertently did not attach replacement and annotated sheets for FIG. 1. Thus, attached hereto are a replacement FIG. 1 and an annotated sheet showing changes. The margins of FIG. 1 have been adjusted to conform with the margin requirements of 37 C.F.R. § 1.84(g). The fonts in FIG. 1 have also been enlarged.

Applicant has amended FIG. 1 as set forth on page 10 and in the Appendix of this paper. Applicant respectfully requests approval of the amendments to FIG. 1.

Applicant respectfully requests reconsideration and allowance of this case in light of the following remarks.

**IV. 35 U.S.C. § 102 and 103 Rejections**

In the Office Action, the Examiner contends that the language of independent Claims 7, 17 and 18 does not specify that the identifier identifies the XML document against another document, as was previously argued by applicant (Office Action, p. 10, ll. 10 and 11). As a result, the Examiner maintains the 35 U.S.C. § 102 rejection based on Dodds and the § 103 rejection based on Dodds in view of Chau. Nevertheless, the Examiner acknowledges in the Office Action that Dodds does not show the feature of identifying an XML document against another document because the Dodds OrderPath relates to identifying nodes and “[i]dentifying a node is not the same as identifying a document” (Office Action, p. 10, ll. 11-17 and p. 10, l. 20 to p. 11, l. 3).

Applicant has amended independent Claims 7, 17 and 18 to further clarify that the identifier “identifies the XML document against another XML document.” As stated by the Examiner in the Office Action, Dodds does not show or suggest this feature. Chau, which was used in combination with Dodds to reject Claims 9-16, 19, 20, 24 and 25, also fails to show or suggest this feature and therefore does not cure the deficiency of Dodds. The Examiner agreed during the November 10, 2004 interview that amended independent Claims 7, 17 and 18 are allowable over the references of record.

Thus, the foregoing demonstrates that the 35 U.S.C. §§ 102 and 103 rejections of independent Claims 7, 17 and 18 and corresponding dependent Claims 8-16 and 19-25

should be withdrawn. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 7-25.

**V. 35 U.S.C. § 112 Rejection**

In the Office Action, the Examiner rejects dependent Claims 13 and 16 for lack of enablement for not including that the sequence identifier is incremented (Office Action, ¶ 5). The Examiner broadly interpreted the term “increment” to include, for example, decrement (i.e., negative increment) (Office Action, p. 9, ll. 16-19).

In view of the Examiner’s broad interpretation of the term “increment” and in order to advance this application to allowance, applicant has amended dependent Claims 13 and 16 to include that the sequence identifier is incremented subsequent to or each time that a row is created, with the understanding that the definition of increment is not limited to a positive change in the value. During the November 10, 2004 interview, the Examiner agreed that these amendments overcome the 35 U.S.C. § 112 rejection.

Thus, the foregoing demonstrates that the 35 U.S.C. § 112 rejection of Claims 13 and 16 should be withdrawn. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of Claims 13 and 16.

**VI. Conclusion**

Applicant respectfully submits that the foregoing demonstrates that this application is in condition for allowance. Accordingly, prompt reconsideration and allowance of this application are respectfully requested.

Dated: November 18, 2004

Respectfully submitted,



Peter F. Snell  
Reg. No.: 52,235  
Agent for Applicant  
MINTZ LEVIN COHN FERRIS  
GLOVSKY & POPEO, P.C.  
Chrysler Center  
666 Third Avenue, 24<sup>th</sup> Floor  
New York, NY 10017  
Tel: (212) 935-3000  
Fax: (212) 983-3115

Express Mail Label No.: EV 452428515 US  
Date of Deposit: November 18, 2004

Attorney Docket No.: 28276.002

## APPENDIX



**Figure 1 – XML Document Structure**

